8.01 HOURS OF WORK AND SCHEDULES

Hours of Work

The City maintains the right to alter an employee's workday or workweek, and to require an employee to work overtime or on a weekend or holiday. The normal business hours for transacting City business are from 8 a.m. to 5 p.m. Mondays through Fridays, inclusive and the working time of City employees shall normally be 40 hours during each workweek. The Elected Official may establish not less than 36 hours in a week as the workweek for any full-time employees in their respective bureaus. City Hall and other offices shall be closed all day Saturday and Sunday.

The Chief of the Bureau of Fire and Rescue may authorize a 40-hour workweek to employees under the Chief's supervision who are not performing fire suppression duties.

Except for employees on a nine/eighty workweek schedule, a "workweek" is defined as any combination of four (4) or five (5) workdays assigned to an employee for work within a period of seven (7) consecutive days. Employees are not entitled to three (3) consecutive days off but may be on a work schedule that provides three (3) consecutive days off. For FLSA covered employees with a nine/eighty workweek schedule, the workweek shall begin and end at the midpoint of an eight (8) hour day.

Directors of bureaus that have 24 hours per day, seven (7) days per week operations may authorize a FLSA workweek of any seven (7) consecutive 24 hour periods for all employees in such operations.

Days Off

Days off for employees working a 40-hour workweek normally will be Saturday and Sunday. The Elected Official may authorize other days off where necessary for efficient operation of a bureau.

Generally, all employees are entitled to 2 consecutive days off in each workweek. When an FLSA covered employee is assigned nonconsecutive days off, the time worked on the last scheduled day of the employee's workweek shall be compensated at time and one-half. Example: If an employee is assigned Sunday and Thursday as days off, all time worked on Saturday is paid at time and one-half. This provision does not apply when an employee agrees to a work schedule that does not contain 2 consecutive days off. Employees of Portland Parks and Recreation who are seasonal or temporary/part-time employees under 1200 hours per calendar year shall not be entitled to two (2) consecutive days off in each work week. Such employees shall not be entitled to compensation at time and one-half when they are assigned non-consecutive days off, unless specifically authorized by the Director of Portland Parks and Recreation, or designee.

Variable Workweek Schedules Defined

Compressed WorkWeek schedules allow full-time workers to work all their hours in fewer than five days per week. Common examples of this are:

- Four 10 hour days with one day off during the workweek
- Four 9 hour days and one 4 hour day, allowing for one afternoon off
- Nine/eighty - employees work 80 hours in nine days with one additional day off every other week

Daily Flextime Schedules. A flexible schedule splits the workday into two types of time: core time and flexible time. During core hours, set by each bureau, the employee must be at work. With supervisory approval during the flexible time, the employee has the option of selecting and varying starting and quitting time within limits set by management. Example: Core hours are designated as those from 9:00-4:00p.m. while flexible hours are those from 7:00 - 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. The employee is expected to work the daily hours designated under their approved schedule.

Weekly Flextime Schedules. Employees have daily core and flextime, but the flextime can be used within the workweek as well. Example: Employee works 10 hours on Monday and then works 7 hours on Wednesday and Thursday.

All flextime must occur in the same workweek for FLSA covered employees due to the payment for overtime requirements.

Use of Variable Work Schedules

Bureaus may choose to utilize variable work schedules at their discretion. In some bureaus, work schedules and the need for team coordination may render variable work schedules impractical. Occasions may arise when variable schedules must be suspended because of bureau workload, operational needs, vacations or other reasons. When this occurs, supervisors should give employees as much advance notice as possible. The use of any variable work schedule must be authorized by the bureau director or designee prior to its use by an individual employee.

Authorization of a variable work schedule may be revoked at any time at the supervisor's discretion.

Approval for Variable Schedules

Supervisory approval must be obtained for any variable schedule, including flextime.

How Flextime Differs from Compensatory Time

Compensatory time off is one way to compensate a Fair Labor Standards Act (FLSA) covered employee who works more than 40 hours in a workweek and is entitled to overtime. Flextime is a scheduling tool to enable managers to meet operational needs but also allow employees more flexibility in scheduling.

Flextime within the workweek is acceptable for non-exempt employees. Flextime cannot be accumulated or added to vacation or management accruals.

Holiday Pay for Variable Schedules

Holiday pay will be limited to eight hours for any one legal holiday. If an employee is on a schedule where his/her normal workday is greater than eight hours, vacation

or compensatory time must be taken to satisfy the variable schedule requirement.

Example: If an employee is on a 4/10 schedule, he or she must use two hours of vacation or compensatory time for each holiday. Alternatively, hours can be worked on another day at the supervisor's discretion.

Meal and Rest Periods

Full time FLSA covered employees, even if on a variable schedule, are required to take an unpaid lunch break of at least 30-minutes. The meal period may be scheduled within the normal work hours to meet the needs of the employee and working unit, but may not be used to shorten the workday except on an occasional basis and with prior approval of the supervisor. A bona fide meal period is a span of at least 30 consecutive minutes during which an employee is completely relieved of duty. A meal period is not counted as hours worked.

FLSA covered employees are entitled to two 15 minute rest periods, one before the meal period and one after that are counted in hours worked. FLSA covered employees are entitled to an additional 15-minute rest period for every substantial portion of four hours they work beyond their regular schedule.

FLSA covered employees must take these rest periods and may not "save" their rest periods in order to take a longer meal period or to arrive late or leave before the end of their regular scheduled work day.

Rest Period to Express Milk

Reasonable rest periods of no less than 30 minutes shall be provided to those employees (FLSA covered or exempt) who have a child 18 months or younger for the purpose of expressing milk. Whenever possible the 30 minute rest period should coincide with the employee's regular rest period. If the rest period to express milk does coincide with the employee's regular rest period, for FLSA covered employees, 15 minutes of each 30 minute rest period for expressing milk is paid. If the rest period for expressing milk does not coincide with the employee's regular rest break, the entire rest period for expressing milk is unpaid. With prior approval of their supervisor, employees may be allowed to work before or after their regular work shift to make up the amount of time used during the unpaid portion of the rest break.

The employee must be provided a private location, in close proximity to her work area, to express milk. The employee must be able to express milk concealed from view and without intrusion by other employees. A public restroom or toilet stall is not an acceptable location.

An employee who intends to express milk during work hours must provide her supervisor with reasonable oral or written notice of her intention to allow sufficient time to make the necessary preparations to comply with this rule.

Certain types of work may make it an undue hardship on bureau operations to allow an employee to express milk during work hours. If a manager or supervisor believes there is an undue hardship that would preclude such rest periods, they should consult with their Site Team Manager.

Attendance at Training Sessions, Workshops and Meetings	Required or bureau-paid attendance at work-related training sessions, workshops and other meetings, whether before, during or after the employee's regular work schedule, is work time. Generally, voluntary attendance at training sessions, workshops and other meetings is not work time.
Travel Time	Whether travel time is considered as hours worked depends on the circumstances and must be determined on a case by case basis. See the Administrative Rules on Travel and Teleworking for more information.
Inclement Weather	See Administrative Rule on Inclement Weather.
Rescheduling of Work Days	See Administrative Rule on Hours of Work and Overtime: FLSA Covered Employees.
Attendance	Employees are expected to report to work at their scheduled starting times on each scheduled workday and to follow all bureau specific rules concerning attendance.
Administrative Rule History	Adopted by Council March 6, 2002, Ordinance No. 176302 Effective April 5, 2002 Revised September 16, 2005 Revised July 9, 2007 Revised May 9, 2008 Revised April 17, 2009 Revised October 19, 2010